

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT  
BUREAU OF WASTE MANAGEMENT POLICY 02-03  
related to  
FLEXIBILITY FOR COMPLYING WITH LITTER AND  
RUN-ON/RUNOFF CONTROLS REGULATORY AND PERMIT REQUIREMENTS  
AT MUNICIPAL SOLID WASTE LANDFILLS**

April 29, 2002

**Background**

The owner or operator of a municipal solid waste landfill (MSWLF) is required by Kansas Administrative Regulation (K.A.R.) 28-29-108 to design and maintain run-on and runoff control systems and to address litter problems. In the past, when compliance inspections have been performed and the inspection identified significant litter, a violation was recorded. Also, when the inspection identified the presence or potential for surface water drainage to flow onto or away from the active portion of the MSWLF, or when the cover or run-on/runoff control berms showed significant erosion or other damage, these problems were recorded as violations. Such violations have been recorded during inspections following high wind conditions and/or significant precipitation events.

This policy statement is intended to provide guidance to the regulated community regarding reasonable regulatory flexibility in response to these situations.

**Litter Control**

K.A.R. 28-29-108(r)(7) requires the owner or operator to patrol the facility to check for litter accumulation and take all necessary steps to minimize blowing litter. In instances where an inspection occurs at a MSWLF either during or immediately following windy conditions, (i.e., the next day) and finds facility personnel actively engaged in patrolling for litter or addressing litter accumulations, the litter will not be considered a violation. An adequate number of workers must be engaged in these activities to address the situation at hand. If the inspection finds the facility is not actively engaged in patrolling for litter or is not adequately addressing its litter accumulation(s), the facility will be considered in violation.

In patrolling for litter problems as well as addressing litter problems the facility shall prioritize these activities in the following way:

1. Off-site areas/accumulations;
2. On-site areas/accumulations in the vicinity of water ways; and
3. Other on-site areas/accumulations away from the active face.

**Run-on/Runoff Control Systems**

K.A.R. 28-29-108(j) requires the owner or operator of a MSWLF unit to design, construct, and maintain both run-on and runoff control systems. The run-on control system must prevent flow onto the active portion of the MSWLF during a 24-hour, 25-year storm. Run-on that comes in contact with waste (i.e., the active portion of the landfill) is leachate and must be managed accordingly. The runoff control system must collect and control the runoff from the active portion of the MSWLF for the volume resulting from a 24-hour, 25-year storm. Each

surface water control structure must be operated until the final cover is placed and erosional stability is provided by the vegetative or other cover.

Each MSWLF must have a written plan approved by KDHE as part of the facility's operating plan describing the facility's program for assessing damage resulting from rainfall events and initiating any necessary repair work. Such damage shall include, but not be limited to erosion damage to final or intermediate cover material, and erosion or other damage caused by storm water to berms or other run-on/runoff control structures. KDHE recognizes that depending on the type and amount of damage, it may take several days to complete necessary corrective action. The specific time frames for addressing damage are provided in the following paragraphs.

In instances when an inspection occurs at a MSWLF following a rainfall event and identifies minor damage to intermediate cover and/or run-on/runoff control structures, it will not be considered a violation if the inspection also finds facility personnel have followed that facility's plan for assessing damage due to precipitation, and are in the process of initiating or making any necessary repairs. If the inspection finds the facility has not followed its plan or has not completed making repairs within seven (7) days of a rainfall event, the facility will be considered in violation.


In instances where an inspection occurs at a MSWLF following a rainfall event and identifies that the intermediate cover has been damaged to the point that waste is exposed, or that total failure of one or more run-on/runoff control structures has occurred, and the facility is able to demonstrate that a 24-hour, 25-year storm has occurred within the previous seven (7) day period, it will be considered a violation only in instances where the facility has failed to take interim measures to address the problem within 48 hours of the precipitation or has not made permanent corrections within seven (7) days of the precipitation.

In instances where an inspection occurs at a MSWLF following a rainfall event and identifies that the intermediate cover has been damaged to the point that waste is exposed, or that total failure of one or more run-on/runoff control structures has occurred, and the facility is unable to demonstrate that a 24-hour, 25-year storm has occurred within the previous seven (7) day period, the facility will be considered in violation. This is because these structures are required by regulation to be able to withstand a 24-hour, 25-year storm and if there is a failure resulting from a storm of less than this intensity, this is a violation.

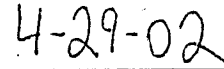
With respect to the three previous paragraphs it should be noted that in cases of continuing rains following a rainfall event which results in damage, corrective action must be taken within seven (7) days following cessation of the rain. It also should be noted that it will be the facility's responsibility to demonstrate the occurrence of rainfall events in the preceding seven (7) days or within 48 hours if interim measures have not been implemented for a system failure. The facility may use meteorological data collected either on-site or locally to make these demonstrations.

### Conclusion

The compliance flexibility described above are applicable to all MSWLFs. KDHE has developed this guidance to assist owners and operators to respond to weather related problems which can occur at these facilities due to high winds and significant rainfall events. This policy explains where regulatory flexibility exists when responding to significant windblown litter and damage resulting from rainfall. Affected parties should refer any questions to the Waste Compliance, Enforcement & Policy Section of the Bureau of Waste Management, KDHE, 1000 SW Jackson, Suite 320, Topeka, Kansas 66612-1366, phone number (785) 296-1608.



William L. Bider  
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Date